

SECTION 33. COMPLIANCE -- TIME SCHEDULE FOR

- (A) Except as otherwise noted in specific emission control regulations, compliance with these Regulations and Standards shall be according to the following schedule:
- (1) All new or modified installations that required approval under the provisions of Section 17 of these Regulations and Standards shall be in compliance with all applicable emission control regulations at start-up after the effective date of the applicable emission control regulation. Provided, however, such installation may, at the request of the operator and under conditions approved by the Department, be operated for such specified time periods as are required to make necessary adjustments on the equipment. Compliance must be demonstrated in conformance with Section 34 of these Regulations and Standards.
 - (2) All existing installations subject to Section 2, subparagraphs (A)(1) and (A)(2) of these Regulations and Standards shall be in compliance with these Regulations and Standards within 180 days after the effective date of these Regulations and Standards and shall certify compliance and state the method used to determine compliance, unless the person responsible for the operation of such installation has submitted a request to, and received a variance from, the Department to continue such operation in non-conformance with the regulations for a specified period of time beyond the 180 day period provided for compliance.
 - (3) All requests for variances shall be submitted in writing to the Department and, in addition to statutory requirements, shall contain the following information:
 - (a) A description of the particular operation or installation affected.
 - (b) The reason for being unable to meet the requirements for these Regulations and Standards.
 - (c) A specific time schedule showing increments of progress toward compliance, including:
 - (1) Date of submittal of the source's final control plan to the appropriate air pollution control agency;
 - (2) Date by which contracts for emission control systems or process modifications will be awarded; or date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;
 - (3) Date of initiation of on site construction or installation of emission control equipment or process change;
 - (4) Date by which on site construction or installation of emission control equipment or process modification is to be completed; and
 - (5) Date by which final compliance is to be achieved.
 - (d) The notarized signature of the person responsible for the operation or installation.
 - (e) Any other supporting documentation specifically requested by the Department and deemed pertinent to consideration of the individual request.
- (B) Compliance schedules requiring more than 12 months to conform with applicable rules and regulations to meet National Primary and Secondary Ambient Air Quality Standards will be accomplished in progressive steps. A report will be made in writing to the Director within 5 days after each step is completed.
- (C) Failure to meet time schedules approved in accordance with subparagraphs (A)(1) and (A)(2) above shall constitute a violation of these Regulations and Standards unless a request to amend the time schedule is received at least 30 days before the end of any specified period approved for a particular activity. Such a request to amend the schedule shall contain the same type of information as required for the initial request for variance as described in Section (A)(3) above.

Ref: Title 129, Chapter 33, Nebraska Department of Environmental Quality